

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,

Plaintiff

v.

ADP MARSHALL, INC., a FLUOR DANIEL COMPANY, and
FIREMAN'S FUND INSURANCE COMPANY,

Defendants

CIVIL ACTION

NO. 04-CV-10203-PBS

ADP MARSHALL, INC.,

Plaintiff-in-Counterclaim,

v.

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,

Defendant-in-Counterclaim

ADP MARSHALL, INC.,

Third-Party Plaintiff

v.

ALLIED CONSULTING ENGINEERING SERVICES, INC.,
ANDOVER CONTROLS CORPORATION, R&R WINDOW
CONTRACTORS, INC. and DELTA KEYSpan, INC. n/k/a
DELTA KEYSpan, LLC,

Third-Party Defendants

**AMENDED ASSENTED TO MOTION TO ENLARGE THE TIME WITHIN WHICH TO
RESPOND TO MOTION FOR SUMMARY JUDGMENT**

The Third-Party Defendant, Allied Consulting Engineering Services, Inc. ("Allied"),
hereby moves this Court for an order allowing an extension of time, up to and including January

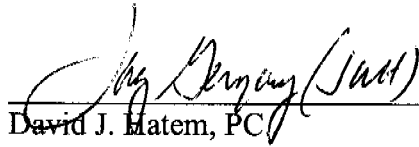
21, 2005, in which to respond to the third-party plaintiff, ADP Marshall Inc.'s ("ADPM"), motion for summary judgment. In support of its motion, Allied states as follows:

1. On or about November 30, 2004, ADPM filed a motion for summary judgment on its third-party complaint against Allied.
2. Counsel for Allied conferred with counsel for ADPM and received a two week extension to file a response to ADPM's motion for summary judgment.
3. Counsel for Allied inadvertently miscalculated the agreed-to deadline and initially moved this Court to for an order only extending the deadline to January 14, 2005.
4. Counsel for Allied has again conferred with counsel for ADPM to explain the error, and has received assent to an extension of time, up to and including January 21, 2005, in which Allied may respond to ADPM's motion for summary judgment.
5. This extension will not prejudice any party as other parties have received similar extensions of time to oppose ADPM's motion for summary judgment.

WHEREFORE, the Third-Party Defendant, Allied Consulting Engineering Services, Inc. requests that this Court grant this motion and issue an order enlarging the time to respond to ADP Marshall, Inc.'s motion for summary judgment to January 21, 2005.

ASSENTED TO:

Respectfully submitted,
ALLIED CONSULTING ENGINEERING
SERVICES, INC.,
By its attorneys,



David J. Hatem, PC
B.B.O. #225700
Jay S. Gregory, Esquire
B.B.O. #546708
DONOVAN HATEM LLP
Two Seaport Lane
Boston, MA 02210
Tel: (617) 406-4500

Dated: January 11, 2005

Respectfully submitted,
ADP MARSHALL, INC.,
By its attorneys,



Andrew J. Tine, Esquire
B.B.O. #633639
Haese, LLC
70 Franklin Street, 9th Floor
Boston, MA 02110
Tel: (617) 428-0266

Dated: January 11, 2005

CERTIFICATE OF SERVICE

I, Jeffrey W. Hallahan, Esquire, hereby certify that on this 11 day of January, 2005, I served the attached *Amended Assented to Motion* by mailing a copy thereof, postage pre-paid to:

Andrew J. Tine, Esquire
Haese, LLC
70 Franklin Street, 9th Floor
Boston, MA 02210

John J. McNamara, Esquire
Domestico, Lane & McNamara, LLP
161 Worcester Road
Framingham, MA 01701

Edward F. Vena, Esquire
Vena, Riley, Deptula, LLP
250 Summer Street, 2nd Floor
Boston, MA 02210

Charles A. Plunkett, Esquire
Vena, Riley, Deptula, LLP
250 Summer Street, 2nd Floor
Boston, MA 02210

Dwight T. Burns, Esquire
Domestico, Lane & McNamara, LLP
161 Worcester Road
Framingham, MA 01701

Edward Coburn, Esquire
Taylor, Duane, Barton & Gilman, LLP
111 Devonshire Street
Boston, MA 02109

James J. Duane, Esquire
Taylor, Duane, Barton & Gilman
111 Devonshire Street
Boston, MA 02109



Jeffrey W. Hallahan

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